

SENATE BILL 3101

By Marrero B

AN ACT to amend Tennessee Code Annotated, Title 37,
relative to extension of foster care services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by
adding the following as a new section:

§ 37-2-417.

(a) Foster care services shall be available on a voluntary basis to any person
who is at least eighteen (18) years of age but less than twenty-one (21) years of age,
who was in the custody of the department at the time of the person's eighteenth birthday
and who is:

(1) Completing secondary education or a program leading to an
equivalent credential;

(2) Enrolled in an institution which provides post-secondary or vocational
education;

(3) Participating in a program or activity designed to promote, or remove
barriers to, employment;

(4) Employed for at least eighty (80) hours per month; or

(5) Incapable of doing any of the activities described in subdivisions (a)(1)
through (a)(4) due to a medical condition, including a developmental or
intellectual condition, which incapability is supported by regularly updated
information in the permanency plan of the person. In such a case the person
shall be in compliance with a course of treatment as recommended by the
department.

(b) Foster care services shall also be available to any person who meets the requirements of subsection (a) but refused such services at the time of the person's eighteenth birthday if at any time the person seeks to regain foster care services prior to the person's twenty-first birthday.

(c) Any financial assistance available to foster children, foster parents, permanent guardians or adoptive parents shall also be available to any person who is in the custody of the department pursuant to this section and the foster parents, permanent guardians or adoptive parents of that person.

SECTION 2. Tennessee Code Annotated, Section 37-1-102(b)(4), is amended by deleting subdivision (b)(4)(C) in its entirety and by substituting instead the following:

(C) A person over seventeen (17) years of age and under twenty-one (21) years of age for the limited purpose of remaining under the continuing jurisdiction of the juvenile court for purposes of the voluntary extension of foster care services, pursuant to § 37-2-417. For all other purposes, a person eighteen (18) years of age or older shall be considered an adult.

SECTION 3. Tennessee Code Annotated, Section 37-1-103(a), is amended by adding the following as a new subdivision:

(7) Proceedings arising under § 37-2-417;

SECTION 4. Tennessee Code Annotated, Section 37-1-103(c), is amended by deleting the language "§ 37-1-102(b)(4)(B) until the person reaches the age of nineteen (19)" and substituting instead the language "§ 37-1-102(b)(4)(B) until the person reaches the age of nineteen (19) or in § 37-1-102(b)(4)(C) until the person reaches the age of twenty-one (21)".

SECTION 5. The commissioner of children's services is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 6. This act shall take effect July 1, 2010, the public welfare requiring it.